

## **REMARKS**

### **1. Status of Claims**

Claims 19-44 were pending in the Application. Applicants have amended claims 19 and 31 without prejudice or disclaimer. A Request for continued Examination (RCE) and fee has been submitted herewith. Applicants respectfully request entry of the above amendments and consideration of the enclosed remarks. Applicants submit that no new matter is added. Accordingly, claims 19-44 will remain pending in the application.

### **2. Rejections Under 35 U.S.C. § 112**

In section 4 of the Office Action, the Examiner rejected claims 28-29 under 35 U.S.C. 112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claims 28-29, Applicants respectfully traverse the rejection since the claim terms are sufficiently defined. Applicants respectfully draw the Examiner attention to FIGs. 4a through 4h and associated text in the specification. Trade names for the associated print cartridge, RFID tag and substrate manufacturer are provided. One of skill in the art would read the specification and understand the required flexibility and size to practice the invention as presently claimed. See MPEP § 2173.04 ("Breadth of a claim is not to be equated with indefiniteness.")

Applicants respectfully submit that the claim complies with 35 USC 112. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection.

### **3. Rejections Under 35 U.S.C. § 103**

In section 6 of the Office Action, the Examiner rejected Claims 19-22, 24, 26-31 and 41 under 35 U.S.C. 103(a) as allegedly rendered obvious by United States Patent No. US 6,978,255 B1 to Pauschinger, et al. ("Pauschinger '255") in view of United States Patent No. US 6,041,704 to Pauschinger ("Pauschinger '704") in further view of U.S. Patent Application Publication No. 2002/0199094 A1 by Strand ("Strand '094").

Applicants respectfully traverse the rejection. Solely in order to expedite prosecution, Applicants have amended claims 19 and 31 without prejudice or disclaimer to recite both:

using an encryption key determined using the obtained data that enabled identification and authentication of the print member,  
means for sending the franking data and the encrypted signature to the printing unit in a second communication mode and for including a control signal with printing control signals.

Accordingly, the rejection is moot.

Applicants further traverse the combination. One of skill in the art would not look to Strand '094 to modify Paushinger as they are not analogous art (Strand '094 describes liquid chromatography systems and one of skill in the franking machine printing arts would not look to it in order to modify Paushinger). Additionally, Paushinger does not teach or suggest two communication modes and thus one of skill in the art would not look to Strand to suggest securing communication to the cartridge.

Dependent claims 20-22, 24, 26-30 and 44 are also patentable over the cited references for at least the reasons described above with reference to the associated independent claim and any intervening claims.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection to claims 19-22, 24, 26-31 and 41.

In section 17 of the Office Action, the Examiner rejected Claim 23 under 35 U.S.C. 103(a) as allegedly rendered obvious by United States Patent No. US 6,978,255 B1 to Pauschinger, et al. ("Pauschinger '255") in view of United States Patent No. US 6,041,704 to Pauschinger ("Pauschinger '704") in further view of U.S. Patent Application Publication No. 2002/0199094 A1 by Strand ("Strand '094"); Official Notice and U.S. Patent Application Publication No. 2003/0006878 A1 by Chung ("Chung '878").

Applicants respectfully traverse the rejection. Solely in order to expedite prosecution, Applicants have amended claim 19 without prejudice or disclaimer and the rejection is moot.

Applicants respectfully disagree with the Official notice, particularly as combined. Applicants are not aware of an ID tag substrate so attached. Dependent claim 23 is also patentable over the cited references for at least the reasons described above with reference to the associated independent claim and any intervening claims.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection to claim 23.

In section 19 of the Office Action, the Examiner rejected Claim 25 under 35 U.S.C. 103(a) as allegedly rendered obvious by United States Patent No. US 6,978,255 B1 to Pauschinger, et al. ("Pauschinger '255") in view of United States Patent No. US 6,041,704 to Pauschinger ("Pauschinger '704") in further view of U.S. Patent Application Publication No. 2002/0199094 A1 by Strand ("Strand '094") and Official Notice.

Applicants respectfully traverse the rejection. Solely in order to expedite prosecution, Applicants have amended claim 19 without prejudice or disclaimer and the rejection is moot.

Applicants respectfully submit that the cited references do not teach or suggest the tag attached to the exterior of the cartridge. Applicants do not dispute the limited Official Notice that "data-generating units including RF transceivers are known" but dispute any extension of such notice and dispute the combination.

Dependent claim 25 is also patentable over the cited references for at least the reasons described above with reference to the associated independent claim and any intervening claims.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection to claim 25.

In section 21 of the Office Action, the Examiner rejected Claims 32-41 under 35 U.S.C. 103(a) as allegedly rendered obvious by United States Patent No. US 6,978,255 B1 to Pauschinger, et al. ("Pauschinger '255") in view of United States

Patent No. US 6,041,704 to Pauschinger ("Pauschinger '704") in further view of U.S. Patent Application Publication No. 2002/0199094 A1 by Strand ("Strand '094"); and U.S. Patent No. 6,325,488 B1 to Beerling, et al. ("Beerling '488").

Applicants respectfully traverse the rejection. Solely in order to expedite prosecution, Applicants have amended claims 19 and 31 without prejudice or disclaimer and the rejection is moot.

Moreover, Applicants respectfully note that Beerling '488 specifically requires an essentially rigid substrate (See Col. 3, line 8) and thus is not properly combined.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection to claims 32-41.

In section 24 of the Office Action, the Examiner rejected Claims 42-43 under 35 U.S.C. 103(a) as allegedly rendered obvious by United States Patent No. US 6,978,255 B1 to Pauschinger, et al. ("Pauschinger '255") in view of United States Patent No. US 6,041,704 to Pauschinger ("Pauschinger '704") in further view of U.S. Patent Application Publication No. 2002/0199094 A1 by Strand ("Strand '094"); and U.S. Patent No. 6,325,488 B1 to Beerling, et al. ("Beerling '488") and Official Notice.

Applicants respectfully traverse the rejection. Solely in order to expedite prosecution, Applicants have amended claims 19 and 31 without prejudice or disclaimer and the rejection is moot.

Applicants respectfully dispute the official notice because it does not appear limited to something old and well-known. Applicants also dispute any combination of intended material taken by Official Notice particularly as regards the particular configuration of the two channels.

Moreover, Applicants respectfully note that Beerling '488 specifically requires an essentially rigid substrate (See Col. 3, line 8) and thus is not properly combined.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection to claims 42-43.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejections and submit that the invention as presently claimed in claims 19-44 is patentable and in condition for allowance.

**4. Conclusion Of Remarks**

For at least the reasons stated above, it is respectfully submitted that the claims of this application are in condition for allowance and early and favorable action thereon is requested.

If the Examiner believes that additional issues may be resolved by a telephone interview, the Examiner is respectfully urged to telephone the undersigned attorney for Applicant at (203) 924-3180.

**5. Authorization**

No fee is believed due with this Amendment. However, the Commissioner is hereby authorized to charge any additional fees which may be required for the response or credit any overpayment to the Pitney Bowes, Inc. Deposit Account Number 16-1885, Order No. S-215.

In the event that an extension of time or additional extension of time is required to make this response timely filed, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely. The Commissioner is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the Pitney Bowes, Inc. Deposit Account Number 16-1885, Order No. S-215.

Respectfully submitted,

/George M. Macdonald/

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